IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15991 of 2005

Between:

1 Oruganti Yanadamma W/o Koteswara Rao
R/o Mahadeva Puram, Kandukur Mandal Prakasam District
2 Rayani Aruna W/o Ramanaiah
R/o Mahadeva Puram, Kandukur Mandal Prakasam District
3 Tallapaneni Singaiah S/o Ramaiah
R/o Mahadeva Puram, Kandukur Mandal Prakasam District

..... PETITIONERS

AND

1 The District Collector, Prakasam District
2 The Revenue Divisional Officer, Kandukur Mandal, Prakasam District
3 The Mandal Revenue Officer, Kandukur, Prakasam District
4 The Deputy Director, Social Welfare, Prakasam District, Ongole

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate Writ order or direction declaring the action of the Respondents in taking steps to dispossess the plots assigned to the petitioners from their respective plots bearign NOs: 42 43 & 44 admeasuring 0.03 cents (144sq. years) each situated in Survey No. 506/1A5A situated at mahadevpuram Vilalge, Kandukur Mandal Prakasam District as illegal arbitrary, unjust and without due process of law.

Counsel for the Petitioner: MR.M.S.N.PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in taking steps to dispossess the petitioners from the plots assigned to them in plot Nos: 42, 43 and 44 admeasuring 0.03 cts (144 sq.yards) each situated in Sy.No.506/1A5A situated at Madevpuram village, Kandukur Mandal, Prakasam District is illegal and arbitrary.

The contention of the petitioners is that since they are landless poor, the Government assigned Ac.0.03 cents of house sites each, in their favour. They constructed small houses in their respective plots. It is their case that due to heavy rains, their houses were collapsed, and they are trying to reconstruct the same. They contend that the respondents 2 and 3 are leveling the plots assigned to them, and when they enquired about their acts, they stated that the said plots are to be handed over to the Social Welfare Department, 4th respondent, for the purpose of construction of B.C.Hostel. Contending that the respondents 2 and 3 are trying to dispossess the petitioners from the plots, without following any due process of law and without giving any opportunity, filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

It is the apprehension of the petitioners that the respondents 2 and 3 are leveling the plots assigned to them for the purpose of handing it over to the 4th respondent for construction of B.C.Hostel. In that view of the matter and also in view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to dispossess the petitioners

from the plots, without following the due process of law.

Writ petition is disposed of accordingly.

22.07.2005

MRKR

NOTE: Issue operative portion by wire.

B/o

MRKR

To

1 The District Collector, Prakasam District
2 The Revenue Divisional Officer, Kandukur Mandal, Prakasam District
3 The Mandal Revenue Officer, Kandukur, Prakasam District
4 The Deputy Director, Social Welfare, Prakasam District, Ongole

5 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.

6 Two C.D.copies.